

1 BILL NO. G-80-06-14 (AS AMENDED)

2 GENERAL ORDINANCE NO. G-

15-80

3  
4 AN ORDINANCE amending the Thoroughfare Plan  
5 of the City Comprehensive ("Master") Plan  
6 by vacating a portion of Lenox Street.

7 WHEREAS, (1) a petition to vacate Lenox Street (as more specifically  
8 described below) was duly filed with the City Plan Commission; and (2) said  
9 Commission duly held a public hearing thereon; and (3) said Commission  
10 has duly forwarded its recommendation thereon to this body approving said  
11 petition, all in accordance with Section 81, P.L. 178, Acts of 1979 (I.C. 18-  
12 7-4-512), and

13 WHEREAS, this body concurs in the recommendation of the City Plan  
14 Commission:

15 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
16 INDIANA:

17 SECTION 1. That the Thoroughfare Plan of the City Comprehensive  
18 ("Master") Plan, as set forth in General Ordinance No. G-97 adopted  
19 November 26, 1963, as amended, is amended by vacating:

20 That part of Lenox Street in the City of Fort  
21 Wayne, Indiana, which lies East of the East  
22 right-of-way line of Monroe Street, West of  
23 the West right-of-way line of Hanna Street,  
24 South of the South line of Southwood Heights  
Addition to said City of Fort Wayne, and North  
of the North line of Lots #1 and 33 in Hirons  
Addition to said City of Fort Wayne, Indiana.

25 said amendment to become effective upon the legal vacation of said  
26 street.

27 SECTION 2. After passage, approval by the Mayor and legal  
28 publication of this ordinance, the City Clerk shall prepare and transmit  
29 certified copies of it to the City Plan Commission, the Board of Public  
30 Works, the Board of Public Safety, and the petitioners.  
31  
32

SECTION 3. That the ordinance shall be effective upon passage,  
approval by the Mayor and due legal publication.

\_\_\_\_\_  
COUNCILMEMBER

APPROVED AS TO FORM AND  
LEGALITY

\_\_\_\_\_  
JOHN E. HOFFMAN  
City Attorney

3  
4 AN ORDINANCE amending the Thoroughfare Plan  
5 of the City Comprehensive ("Master") Plan  
6 by vacating a portion of Lenox Street.

7 WHEREAS, (1) a petition to vacate Lenox Street (as more  
8 specifically described below) was duly filed with the City Plan  
9 Commission; and (2) said Commission duly held a public hearing  
10 thereon; and (3) said Commission has duly forwarded its recom-  
11 mendation thereon to this body approving said petition, all in  
12 accordance with Section 81, P.L. 178, Acts of 1979 (I.C. 18-7-  
13 4-512), and

14 WHEREAS, this body concurs in the recommendation of the  
15 City Plan Commission:

16 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT  
17 WAYNE, INDIANA:

18 SECTION 1. That the Thoroughfare Plan of the City Com-  
19 prehensive ("Master") Plan, as set forth in General Ordinance  
20 No. G-97 adopted November 26, 1963, as amended, is amended by  
21 vacating:

22 All of Lenox Street from the east right-  
23 of-way line of Monroe Street to the West  
24 right-of-way line of Hanna Street lying  
25 between the south line of Lots #35 and  
#36 in Southwood Heights Addition and the  
north line of Lots #1 and #33 in Hirons  
Addition in the City of Fort Wayne, Indiana.

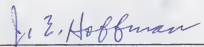
26 said amendment to become effective upon the legal vacation of  
27 said street.

28 SECTION 2. After passage, approval by the Mayor and  
29 legal publication of this ordinance, the City Clerk shall pre-  
30 pare and transmit certified copies of it to the City Plan Com-  
31 mission, the Board of Public Works, the Board of Public Safety,  
32 and the petitioners.

SECTION 3. That the ordinance shall be effective upon passage, approval by the Mayor and due legal publication.

  
COUNCILMAN

APPROVED AS TO FORM AND  
LEGALITY JUNE 19, 1980.

  
JOHN E. HOFFMAN  
City Attorney

Read the first time in full and on motion by Eisner,  
seconded by Delmar, and duly adopted, read the second time  
by title and referred to the Committee Regulation (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on                     , 1980, the                      day of  
                    , at                      o'clock                      M., E.S.T.

DATE: 6/24/80

Charles W. Westerman  
CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by Eisner,  
seconded by Stier, and duly adopted, placed on its  
passage. PASSED (~~LOST~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT:
TOTAL VOTES	<u>9</u>	<u>0</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
BURNS	<u>X</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
EISBART	<u>X</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
GIAQUINTA	<u>X</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
NUCKOLS	<u>X</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
SCHMIDT, D.	<u>X</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
SCHMIDT, V.	<u>X</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
SCHOMBURG	<u>X</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
STIER	<u>X</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>
TALARICO	<u>X</u>	<u>                    </u>	<u>                    </u>	<u>                    </u>	<u>                    </u>

DATE: 8/26/80

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,  
Indiana, as (~~ZONING MAP~~) (GENERAL) (~~ANNEXATION~~) (SPECIAL)  
(~~APPROPRIATION~~) ORDINANCE (RESOLUTION) No. G-15-80  
on the 26th day of August, 1980.

ATTEST:

(SEAL)

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Vivian L. Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on  
the 27th day of August, 1980, at the hour of  
11:30 o'clock A. M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 29th day of August  
1980, at the hour of 11:30 o'clock A. M., E.S.T.

Winfield C. Moses, Jr.  
WINFIELD C. MOSES, JR.  
MAYOR

BILL NO. \_\_\_\_\_

G-80-06-14

(as amended)

REPORT OF THE COMMITTEE ON \_\_\_\_\_ REGULATIONS \_\_\_\_\_

WE, YOUR COMMITTEE ON \_\_\_\_\_ REGULATIONS \_\_\_\_\_ TO WHOM WAS REFERRED AN  
ORDINANCE \_\_\_\_\_ amending the Thoroughfare Plan of the City Comprehensive  
("Master") Plan by vacating a portion of Lenox Street \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN EISBART, CHAIRMAN \_\_\_\_\_

JOHN NUCKOLS, VICE CHAIRMAN \_\_\_\_\_

JAMES S. STIER \_\_\_\_\_

SAMUEL J. TALARICO \_\_\_\_\_

DONALD J. SCHMIDT \_\_\_\_\_

*Ben Eisbart*

*Samuel J. Talarico*

*John Nuckols*  
*Donald J. Schmidt*

126-80  
DATE \_\_\_\_\_ CONCURRED IN  
CHARLES W. WESTERMAN, CITY CLERK

PETITION TO VACATE LENOX AVENUE

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned Petitioners do hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public street within the City of Fort Wayne, Indiana, and hereby described as follows:

That part of Lenox Street in the City of Fort Wayne, Indiana, which lies East of the East right-of-way line of Monroe Street, West of the West right-of-way line of Hanna Street, South of the South line of Southwood Heights Addition to said City of Fort Wayne, and North of the North line of Lots #1 and #33 in Hiron's Addition to said City of Fort Wayne, Indiana. (See attached Certificate of Survey made a part hereof and marked Exhibit "A".)

In support thereof, your Petitioners would represent that:

1. They are the owners of the real estate abutting both sides of the street.
2. Said street is not necessary as ingress or egress to other properties whatsoever.
3. Said street is unopened and unimproved.
4. No other person, firm or corporation is interested in or affected by the requested vacation.
5. The maintenance of said street is not necessary nor advantageous to the growth of the City of Fort Wayne and it would be in the best interest of the City and citizens thereof to vacate same.
6. Any monies expended for the development of this street and the maintenance thereafter would be a waste of public funds.

Your Petitioners file this Petition pursuant to Indiana Code 1971, Section 18-7-5-46, which requires that the Plan Commission give notice and hold public hearing on the vacation of a public way.

WHEREFORE, Petitioners pray that the above described street be vacated according to the provisions of the applicable Indiana law pertaining thereto.

DATED THIS 21 day of Jan, 1980.

COLONIAL OIL COMPANY, INC.

By *George Bitler*  
George Bitler, Its President  
Owner, Lot #36 in Southwood  
Heights Addition

"PETITIONERS"

*Iva F. Griffin*  
Iva F. Griffin  
Owner, Lot #35 in Southwood  
Heights Addition

L. I. GRIFFIN & SONS, INC.

By *Bonnie Griffin Dussell*  
Its President

Attest:

By *Alan a. Dussell*  
Its Secretary  
Owner, Lots #1 and #33  
Hirons Addition

Prepared by:  
Nancy G. Eshcoff  
LEBAMOFF & ASSOCIATES  
1416 Anthony Wayne Bank Bldg.  
Fort Wayne, IN 46802  
Telephone: 219/423-2581



14

69-128-15 8/6/80

RESOLUTION NO. 69-128-15

WHEREAS, COLONIAL OIL, INC., L.I. GRIFFIN & SONS, INC., & IVA F. GRIFFIN have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street situated in Fort Wayne, Allen County, to-wit:

That part of Lenox Street in the City of Fort Wayne, Indiana, which lies East of the East right-of-way line of Monroe Street, West of the West right-of-way line of Hanna Street, South of the South line of Southwood Heights Addition to said City of Fort Wayne, and North of the North line of Lots #1 and #33 in Hirons Addition to said City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:

I, Mark L. Akers, Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public works at their meeting held \_\_\_\_\_ and as same appears of record in the official records of said Board of Public Works.

DATED THIS 6th DAY OF August 19 80

FORT WAYNE BOARD OF PUBLIC WORKS

Mark L. Akers  
Mark L. Akers, Chairman

Herbert R. Gamache  
Herbert R. Gamache, Member

Roberta Anderson-Staton  
Roberta Anderson-Staton, Member

# RECEIPT

Date 2 April 19 80 No. **10947**

Received From Colonial Oil Company Inc

Address 1575

For 50.00 Dollars \$ 50.00

Kenyon Street - location

CK#  
25557

ACCOUNT			HOW PAID		
AMT. OF ACCOUNT			CASH		
AMT. PAID			CHECK	<input checked="" type="checkbox"/>	
BALANCE DUE			MONEY ORDER		

By ADB.

19



ZOHRAB K. TAZIAN, PE & LS  
president  
JERRY K. WALKER, PE & LS  
vice-president

zk tazian

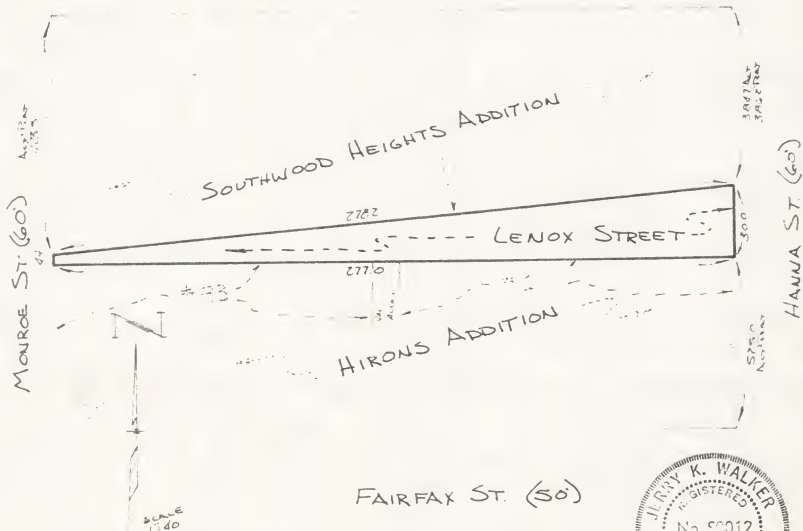
ASSOCIATES INC.  
710 S. BARR ST.  
FT. WAYNE, IN 46802  
219-743-0003  
219-422-5383

## CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of \_\_\_\_\_ County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

PETTIT AVE



I hereby certify on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ that the above survey is correct.  
Surveyed for: \_\_\_\_\_  
Survey No. \_\_\_\_\_

Exhibit "A"



ZOHRAB K. TAZIAN, PE & LS  
president  
JERRY K. WALKER, PE & LS  
vice-president

zk tazian

ASSOCIATES INC.  
710 S. BARR ST.  
FT. WAYNE, IN. 46802  
219-743-0003  
219-422-8383

CIVIL ENGINEERING SURVEYING  
LAND PLANNING

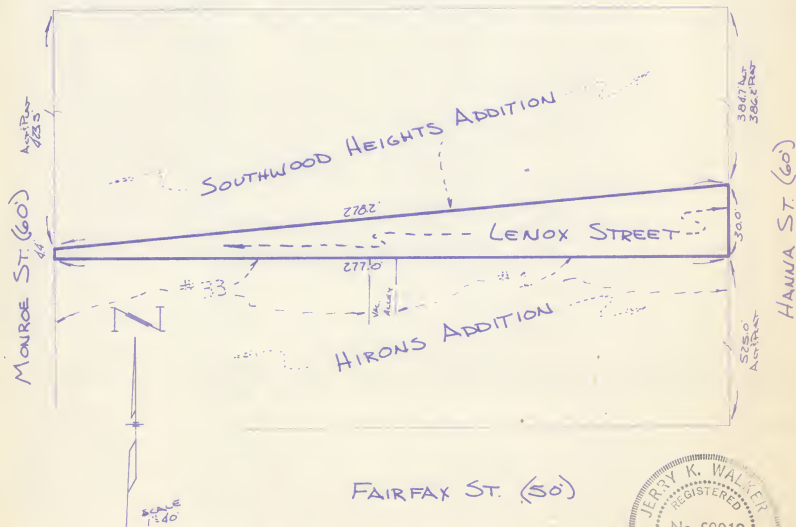
## CERTIFICATE OF SURVEY

This document is a record of a resurvey of land and real estate prepared in conformity with established rules of surveying and made in accordance with the records or plat on file in the Recorder's office of Allen County, State of Indiana. The land described exists in full dimensions as shown hereon in feet. It is free from encroachments by adjoining land owners unless specifically stated below. Corners were perpetuated as indicated.

### DESCRIPTION OF REAL ESTATE

That part of Lenox Street in the City of Fort Wayne, Indiana, which lies West of the East right-of-way line of Monroe Street, West of the East right-of-way line of Hannu Street, South of the South line of Southwood Heights Addition to said City of Fort Wayne, and North of the North line of Lots 31 and 32 in Hirons Addition to said City of Fort Wayne, Indiana.

PETTIT AVE



I hereby certify on the 21st day of March, 19 2011 that the above survey is correct.  
Surveyed for: City of Fort Wayne  
Survey No.: 111



## RESOLUTION

WHEREAS, COLONIAL OIL, INC., L.I. GRIFFIN & SONS, INC., & IVA F. GRIFFIN have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street in Fort Wayne, Allen County, to-wit:

That part of Lenox Street in the City of Fort Wayne, Indiana, which lies East of the East right-of-way line of Monroe Street, West of the West right-of-way line of Hanna Street, South of the South line of Southwood Heights Addition to said City of Fort Wayne, and North of the North line of Lots 1 and 33 in Hirons Addition to said City of Fort Wayne, Indiana.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947 of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on July 21, 1980 at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said street in Allen County, Indiana.

STATE OF INDIANA )  
 ) SS:  
COUNTY OF ALLEN )

I, Joyce Schlatter, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held July 28, 1980, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 31 DAY OF July 19 80

FORT WAYNE CITY PLAN COMMISSION

*Joyce Schlatter*  
Joyce Schlatter  
Secretary

STATE OF INDIANA

County of.....Allen.....

ss:

Be it remembered that on the..10... day of...June....., 1980, before the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared George Rittlar..... President of the.....Colonial Oil Co., Inc..... Company, and acknowledged the execution of the foregoing instrument on behalf of said Company, as the voluntary act and deed of said Company for the uses and purposes therein set forth, and said officer, having been duly sworn, swears that the statements contained therein relating to Indiana gross income tax are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.  
My Commission Expires

Jan. 23, 19 81

Notary Public

STATE OF MICHIGAN,

County of.....

ss:

On This..... day of.....  
in the year of our Lord one thousand nine hundred and.....  
before me, a ..... in and for said County  
appeared..... to me personally  
known, who, being by me duly sworn, did..... say that .....  
the .....  
of.....  
the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said .....  
acknowledged said instrument to be the  
free act and deed of said corporation.

Notary Public, ..... County, Michigan  
My commission expires ..... , 19.....

STATE OF INDIANA

..... County

ss:

Before me....., a Notary Public in and for said  
County and State, this..... day of....., 19....., personally appeared  
the above named .....  
and acknowledged the execution of the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year above written.

Notary Public.

My commission expires ..... , 19....

STATE OF MICHIGAN

County of.....

ss:

On this..... day of....., 19....., before me personally appeared  
.....  
to me known to be the person....described in and who executed the within instrument, and acknowledged  
that ..... executed the same as ..... free act and deed.

....., Notary Public  
..... County, Michigan  
My commission expires ..... , 19....



STATE OF INDIANA

County of.....

} ss:

Be it remembered that on the..... day of....., 19.... before the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared..... President of the..... Company, and acknowledged the execution of the foregoing instrument on behalf of said Company, as the voluntary act and deed of said Company for the uses and purposes therein set forth, and said officer, having been duly sworn, swears that the statements contained therein relating to Indiana gross income tax are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.  
My Commission Expires .....

....., 19.....

Notary Public

STATE OF MICHIGAN,

County of.....

} ss:

On This..... day of.....  
in the year of our Lord one thousand nine hundred and.....  
before me, a..... in and for said County  
appeared..... to me personally  
known, who, being by me duly sworn, did..... say that.....  
of..... the.....  
the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said.....  
acknowledged said instrument to be the  
free act and deed of said corporation.

Notary Public, ..... County, Michigan  
My commission expires ....., 19.....

STATE OF INDIANA

ALLEN

County

} ss:

Before me..... Bruce R. Snyder....., a Notary Public in and for said  
County and State, this 21st..... day of July....., 1980....., personally appeared  
the above named BONNIE GRIFFIN DURNELL and GLEN A. DURNELL as  
President and Secretary respectively, of L. I. Griffin &  
Sons, Inc.  
and acknowledged the execution of the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year above written.

Bruce R. Snyder  
Bruce R. Snyder  
Allen County resident

Notary Public.

My commission expires September 13....., 1983.

STATE OF MICHIGAN

County of.....

} ss:

On this..... day of....., 19....., before me personally appeared  
.....  
to me known to be the person.....described in and who executed the within instrument, and acknowledged  
that..... executed the same as..... free act and deed.

....., Notary Public  
..... County, Michigan  
My commission expires ....., 19.....



STATE OF INDIANA

County of.....

ss:

Be it remembered that on the..... day of....., 19..... before the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared..... President of the..... Company, and acknowledged the execution of the foregoing instrument on behalf of said Company, as the voluntary act and deed of said Company for the uses and purposes therein set forth, and said officer, having been duly sworn, swears that the statements contained therein relating to Indiana gross income tax are true.

IN WITNESS WHEREOF, I have hereunto set my hand and seal the day and year first above written.  
My Commission Expires

....., 19.....

Notary Public

STATE OF MICHIGAN,

County of.....

ss:

On This..... day of.....

in the year of our Lord one thousand nine hundred and..... before me, a..... in and for said County appeared..... to me personally known, who, being by me duly sworn, did..... say that..... the..... of..... the corporation named in and which executed the within instrument, and that the seal affixed to said instrument is the corporate seal of said corporation, and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and said..... acknowledged said instrument to be the free act and deed of said corporation.

Notary Public, ..... County, Michigan  
My commission expires....., 19.....

STATE OF INDIANA

..... ALLEN..... County

ss:

Before me..... Bruce R. Snyder....., a Notary Public in and for said County and State, this..... 21st..... day of..... July....., 1980, personally appeared the above named..... IVA F. GRIFFIN.....

and acknowledged the execution of the within instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal this day and year above written.

*Bruce R. Snyder*  
BRUCE R. SNYDER  
Allen County resident  
Notary Public.

My commission expires...September 13....., 1983.

STATE OF MICHIGAN

County of.....

ss:

On this..... day of....., 19....., before me personally appeared..... to me known to be the person...described in and who executed the within instrument, and acknowledged that..... executed the same as..... free act and deed.

....., Notary Public  
..... County, Michigan  
My commission expires....., 19.....

## DISTRIBUTION EASEMENT

Indiv. &amp; Corp.

Overhead &amp; Underground

W.O. No. \_\_\_\_\_ Eas. No. \_\_\_\_\_ Map No. \_\_\_\_\_

THIS INDENTURE, made this 21st day of July, 1980.  
 between Iva F. Griffin

whose address is 5230 Cloverbrook Drive  
Fort Wayne, IN 46806

(hereinafter called "Grantor"), and INDIANA & MICHIGAN ELECTRIC COMPANY, an Indiana Corporation  
 whose address is 2101 Spy Run Avenue, Fort Wayne, Indiana, (hereinafter called "Grantee").

WITNESSETH: That for One Dollar (\$1.00) and other good and valuable considerations in hand paid, the receipt of which is hereby acknowledged, Grantor does hereby grant and convey to Grantee a right-of-way and easement for the construction, operation, use, maintenance, repair, renewal, and removal of a line or lines of overhead and underground facilities and equipment for the transmission of electrical energy, including the right to permit attachments of others to said facilities, in, on, along, under, over, across, and through the following described premises situated in Wayne Township, County of Allen, State of Indiana, and being a part of Section 24, Township 30 N, and Range 12 E, to-wit:

A part of vacated Lenox Street in Hiron's Addition to the City of Fort Wayne, Indiana, and further described as follows:

A strip of land 6 feet in width lying west of and adjacent to the following described line:

Beginning at the southeast corner of Lot Number 35 in Southern Heights Addition to the City of Fort Wayne, Indiana; thence south one-half ( $\frac{1}{2}$ ) the distance to the south line of said Lenox Street.

TOGETHER with the right of ingress and egress to, from, and over said Premises, and also the right to cut or trim any trees and bushes which may endanger the safety or interfere with the construction and use of said power line.

Grantee shall promptly repair or replace all physical damages on the Premises proximately caused by the construction, operation and maintenance of Grantee's Facilities.

It is agreed that the foregoing is the entire contract between the parties hereto and that this written agreement is complete in all its terms and provisions and shall be binding on their respective representatives, heirs, successors, and assigns.

IN WITNESS WHEREOF, Grantor, if individual(s), has hereunto set her hand \_\_\_\_; and if corporation, has caused its corporate name and seal to be affixed by its duly authorized officers, the day first above written.

Signed, Sealed and Delivered in Presence of

Iva F. Griffin  
 IVA F. GRIFFIN

Admn. Appr. \_\_\_\_\_

DIGEST SHEET

G- (is original)  
E-80-06-14

TITLE OF ORDINANCE Street Vacation Ordinance

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE Lenox Street

EFFECT OF PASSAGE Property is now public right-of-way. Property will be  
closed for public use and revert to the adjacent property owners.

EFFECT OF NON-PASSAGE Property will remain public right-of-way.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) Regulations



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

31 July 1980

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) street vacation ordinance acted upon by the City Plan Commission at their regular meeting held July 28, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-80-06-14
2. Intended Use: Vacated right-of-way will be utilized by abutting property owners.
3. Plan Commission Recommendation: DO PASS with conditions.

CONDITION: The easement required by I&M shall be prepared and approved by the appropriate utility prior to this request being forwarded to City Council for final action.

NOTE: The easement has been prepared and approved by I&M and a copy of the easement is attached to the original ordinance.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING

*Gary F. Baeten* (signature)  
Gary F. Baeten  
Senior Planner

GFB:pb

Fort Wayne Common Council

(Governmental Unit)

Allen

County, Ind.

To JOURNAL-GAZETTE Dr.

FORT WAYNE, INDIANA

PUBLISHER'S CLAIM

LINE COUNT

Display Matter (Must not exceed two actual lines, neither of which shall total more than four solid lines of the type in which the body of the advertisement is set) - number of equivalent lines	
Head number of lines	
Body number of lines	72
Tail number of lines	2
	74
Total number of lines in notice	

COMPUTATION OF CHARGES

74 lines, 1 columns wide equals 74 equivalent lines at .253¢	\$ 18.72
cents per line	
Additional charge for notices containing rule or tabular work (50 per cent of above amount)	
Charge for extra proofs of publication (50 cents for each proof in excess of two) 6 extra	3.00
TOTAL AMOUNT OF CLAIM.	\$ 21.72

DATA FOR COMPUTING COST

Width of single column 9.6 picas Size of type 6 point  
Number of insertions 2 Size of quad upon which type is cast 6

Notice is hereby given that on the 26th day of August, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-06-14 (as amended) - General Ordinance No. G-15-80, being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of Lenox Street.  
Notice is hereby given that on the 26th day of August, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-06-15 - General Ordinance No. G-16-80, being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of N/S alley lying South of High Street and East of Barthold Street.  
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana do hereby certify that Bill No. G-80-06-14 (as amended) - General Ordinance No. G-15-80, and Bill No. G-80-06-15 - General Ordinance No. G-16-80, were duly passed by the Common Council on the 26th day of August, 1980, said Ordinances were duly signed and approved by the Mayor on the 29th day of August, 1980, and now remains on file and on record in my office.  
Copy of Bill No. G-80-06-14 (as amended) - General Ordinance No. G-15-80 and Bill No. G-80-06-15 - General Ordinance No. G-16-80, will be posted for reading in the following places in Fort Wayne, Allen County, Indiana:  
(1) The main floor lobby of the City County Building  
(2) The bulletin board in the lobby of the Downtown Fort Wayne Public Library  
(3) The bulletin board in the lobby at the East door of the Allen County Court House  
Copy of Bill No. G-80-06-14 (as amended) - General Ordinance No. G-15-80 and Bill No. G-80-06-15 - General Ordinance No. G-16-80, will be available for reading in the following places in Fort Wayne, Allen County, Indiana:  
(1) Reference Room in the north end of the main floor in said Downtown Public Library  
(2) The Journal of the Common Council Proceedings at the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City County Building, Fort Wayne, Indiana  
CHARLES W. WESTERMAN, City Clerk  
I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana fulfilled and posted the above ordinances in the designated places as stated on September 9, 1980.  
CHARLES W. WESTERMAN, City Clerk

count is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same  
Arville DeWald  
Title CLERK

PUBLISHER'S AFFIDAVIT

State of Indiana  
ALLEN County SS:  
Personally appeared before me, a notary public in and for said county and state, the undersigned, ARVILLE DEWALD, who, being duly sworn, says that she is, CLERK of the JOURNAL-GAZETTE  
a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA  
in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows: 9/9 - 9/16/80

Subscribed and sworn to before me this 16th day of September 1980  
Notary Public  
My commission expires September 28, 1983

**Fort Wayne Common Council**

(Governmental Unit)

To JOURNAL-GAZETTE Dr.**Allen**

County, Ind.

**FORT WAYNE, INDIANA****PUBLISHER'S CLAIM****LINE COUNT**

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Pursuant to the provision and penalties of Ch. 89., Acts 1967.

I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*Arvilla DeWald*Date Sept. 16 80Title CLERK**PUBLISHER'S AFFIDAVIT**State of Indiana  
ALLEN County SS:Personally appeared before me, a notary public in and for said county and state, the undersigned ARVILLA DEWALD who, being duly sworn, says that she is CLERK of the**JOURNAL-GAZETTE**a DAILY newspaper of general circulation printed and published in the English language in the city of FORT WAYNE, INDIANA townin state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for two times the dates of publication being as follows: 9/9 - 9/16/80Subscribed and sworn to before me this 16th day of September 19 80My commission expires September 28, 1983 Notary Public *Harry J. O'Neil*

Indiana:

(1) The main floor lobby of the City County Building  
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(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City County Building, Fort Wayne, Indiana.CHARLES W. WESTERMAN,  
City Clerk

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, fulfilled and posted the above ordinances in the designated places as stated on September 9, 1980.

CHARLES W. WESTERMAN,  
City Clerk

**Port Wayne Common Council**

(Governmental Unit)

To NEWS-SENTINEL Dr.**Allen**

County, Ind.

**FORT WAYNE, INDIANA****PUBLISHER'S CLAIM****LINE COUNT**

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*D. Roose*Date **Sept. 16 80**Title **CLERK****PUBLISHER'S AFFIDAVIT**State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the

D. Roose who, being duly sworn, says

is **CLERK** of the**NEWS-SENTINEL****DAILY**

newspaper of general circulation printed and published

in the English language in the city of **FORT WAYNE, INDIANA**

and county aforesaid, and that the printed matter attached hereto is a true copy,

as duly published in said paper for **two times**, the dates of publication being**9/9 - 9/16/80**

vs:

(1) Reference Room in the north end of the main floor in said Downtown Public Library

(2) The Journal of the Common Council Proceedings in the Office of the City Clerk of Fort Wayne, Indiana, Room 122, City-County Building, Fort Wayne, Indiana.

I, Charles W. Westerman, Clerk of the City of Fort Wayne, Indiana, do hereby certify that the above ordinances in the designated places as stated on September 9, 1980.

CHARLES W. WESTERMAN, City Clerk

mission expires **September 28, 1983**

Notice is hereby given that on the 26th day of August, 1980, the Common Council of the City of Fort Wayne, Indiana in Regular Session did pass the following Bill No. G-80-06-14 (as amended) - General Ordinance No. G-15-80, being AN ORDINANCE amending the Thoroughfare Plan of the City Comprehensive ("Master") Plan by vacating a portion of Lenox Street.

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**Fort Wayne Common Council**

(Governmental Unit)

To **NEWS-SENTINEL** Dr.**Allen**

County, Ind.

**FORT WAYNE, INDIANA****PUBLISHER'S CLAIM****LINE COUNT**

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I hereby certify that the foregoing account is just and correct, that the amount claimed is legally due, after allowing all just credits, and that no part of the same has been paid.

*D. Roose*Date **Sept. 16** **80**, 19Title **CLERK****PUBLISHER'S AFFIDAVIT**State of Indiana  
ALLEN County SS:

Personally appeared before me, a notary public in and for said county and state, the undersigned **D. Roose** who, being duly sworn, says that she is **CLERK** of the

**NEWS-SENTINEL**

a **DAILY** newspaper of general circulation printed and published in the English language in the city of **FORT WAYNE, INDIANA** town

in state and county aforesaid, and that the printed matter attached hereto is a true copy, which was duly published in said paper for **two times** the dates of publication being as follows: **9/9 - 9/16/80**

Subscribed and sworn to before me this

**16th** **September** **80****September 28, 1983**

Notary Public

My commission expires

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Copy amend G-15-80 eral Or posted places Indiana (1) T City-Co (2) T of the Library (3) T at the B Court H Copy amend G-15-80 eral Or available places Indiana (1) B end of I town Pu (2) T Council the City ana, Roose Fort Way CP

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